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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 CONTINENTAL D.I.A. DIAMOND
12 PRODUCTS, INC., a California corporation,

13 Plaintiff,

14 vs.

15 DONG YOUNG DIAMOND INDUSTRIAL
16 CO., LTD., a South Korean company,
17 DONGSOO LEE, an individual, and DOES 1-
18 10, inclusive,

19 Defendants.

20 AND RELATED COUNTERCLAIMS.

Case No. CV 08-2136 SI

**SIXTH JOINT STIPULATION AND
[PROPOSED] ORDER FOR
MODIFICATION OF CASE
MANAGEMENT SCHEDULE**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: July 1, 2010

21
22 **STIPULATION**

23 WHEREAS, Continental D.I.A. Diamond Products, Inc. (“Continental” or “Plaintiff”) and
24 Defendants Dong Young Diamond Industrial Co., Ltd. and DongSoo Lee (collectively
25 “Defendants”) continue to engage in settlement discussions, which respective counsel believe will
26 lead to a final resolution of this matter;

27 WHEREAS, the parties have reached near final agreement on terms of settlement with the
28 exception of one remaining issue that is the subject of continued negotiations and counsel has taken

1 steps to assure settlement once reached will be effected;

2 WHEREAS, respective counsel for the parties have been and continue to be in frequent
3 contact to attempt to resolve the differences between the parties;

4 WHEREAS, the parties, mindful of this Court's interest in having this case resolved, and
5 confident of the parties' ability to resolve this highly complex matter, are diligently working to
6 finalize the settlement agreement. However, given the complicated nature of the one remaining
7 intellectual property issue and due to the continuing time-zone and communication, multi-lingual
8 and multi-cultural challenges faced by counsel for Defendants, the parties require a small amount of
9 additional time;

10 WHEREAS, counsel for the parties believe that an additional fifteen (15) day suspension of
11 applicable deadlines in this case will allow the parties and counsel to continue to devote their full
12 attention and resources to a final resolution of this matter;

13 WHEREAS, the agreed upon extension of the fact and expert discovery deadlines, and
14 dispositive motion deadlines is not for the purpose of delay, and the parties believe that this
15 reasonable extension of time may well obviate the need for trial in this matter, and is in the interests
16 of fairness and judicial economy.

17 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
18 STIPULATE as follows:

19 In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to
20 allow the parties to focus on settlement negotiations, the parties agree and respectfully request that
21 the current pre-trial schedule be modified as follows:

22 1. The fact discovery cut-off, which is currently set for March 9, 2010, is extended to
23 March 24, 2010;

24 2. The deadline to designate experts, which is currently set for April 15, 2010, is
25 extended to April 30, 2010;

26 3. The deadline to designate rebuttal experts, which is currently set for May 11, 2010, is
27 extended to May 26, 2010; and

28 //

1 4. The expert discovery cut-off, which is currently set for May 27, 2010, is extended to
2 June 11, 2010.

3 5. The dates for dispositive motions are extended for fifteen (15) days, to the following
4 schedule:

- 5 • Dispositive Motions Due: May 7, 2010
- 6 • Oppositions Due: May 21, 2010
- 7 • Replies Due: May 28, 2010

8 6. The hearing on dispositive motions, which is currently set for May 21, 2010, is reset
9 for June 11, 2010, or as soon thereafter as the Court's schedule permits.

10 7. All other deadlines are tolled for fifteen (15) days as of the date of this stipulation.

11 **IT IS SO STIPULATED BY THE PARTIES.**

12 Dated: February 9, 2010 K&L GATES LLP

13
14 /s/ Jeffrey M. Ratino
15 By: JEFFREY M. RATINOFF

16 Attorneys for Plaintiff/Counter-Defendant,
17 Continental D.I.A. Diamond Products, Inc.

18 Dated: February 9, 2010 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

19
20 /s/ Alfred C. Frawley
21 By: ALFRED C. FRAWLEY


22 Attorneys for Defendants/Counterclaimants,
23 Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25 Dated:

26 Pretrial Conference: 6/29/10 @
27 3:30 p.m.

28 Jury Trial: 7/12/10 @ 8:30 a.m.



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE